



Victoria Government Gazette

No. S 162 Tuesday 4 April 2023
By Authority of Victorian Government Printer

Road Safety Act 1986

ORDER IN COUNCIL DECLARING CERTAIN MOTOR VEHICLES NOT TO BE MOTOR VEHICLES – ELECTRIC SCOOTERS

Order in Council

1. Purpose

The purpose of this Order is to declare that certain motor vehicles are not motor vehicles for the purposes of specified provisions of the **Road Safety Act 1986**.

2. Objectives

The objectives of this Order are –

- (a) to prevent the provisions of the **Road Safety Act 1986** relating to registration of a motor vehicle from applying to –
 - (i) an electric scooter that is provided under a commercially operated share scheme and ridden on a road or road related area within an electric scooter use area; or
 - (ii) a private electric scooter ridden on a road or road related area; and
- (b) to prevent the provisions of the **Road Safety Act 1986** relating to the requirement to hold a driver licence or learner permit to drive a motor vehicle from applying to a rider of an electric scooter if the electric scooter –
 - (i) is provided under a commercially operated share scheme and ridden on a road or road related area within an electric scooter use area; or
 - (ii) is a private electric scooter ridden on a road or road related area; and
- (c) to provide that the provisions of the **Road Safety Act 1986** relating to drink-driving and drug-driving offences apply to a rider of an electric scooter if the electric scooter –
 - (i) is provided under a commercially operated share scheme and ridden on a road or road related area within an electric scooter use area; or
 - (ii) is a private electric scooter ridden on a road or road related area.

3. Authorising provision

This Order is made under section 3(2)(b) of the **Road Safety Act 1986**.

Note

Section 3(2)(b) of the **Road Safety Act 1986** provides that the Governor in Council may by Order published in the Government Gazette declare any motor vehicle or class of motor vehicles not to be a motor vehicle or motor vehicles for the purposes of that Act or a specified provision of that Act, for the whole of the State or a specified part of the State. Under section 3(2A) of the **Road Safety Act 1986**, an Order published under section 3(2) may differ according to time, place or circumstance.

4. Commencement

This Order comes into operation on 5 April 2023.

5. Revocation

The following Orders are **revoked** –

- (a) the Order published in the Government Gazette No. S 616 on 9 November 2021 entitled ‘Order in Council declaring certain motor vehicles not to be motor vehicles – Electric scooter trial’;
- (b) the Order published in the Government Gazette No. S 716 on 14 December 2021 entitled ‘Order in Council to amend the Order in Council declaring certain motor vehicles not to be motor vehicles – Electric scooter trial’.

SPECIAL

6. Interpretation

In this Order –

commercially operated share scheme means a joint arrangement between a Council and a commercial operator to provide electric scooters for hire on a short-term basis to members of the public;

Council has the same meaning as in the **Local Government Act 2020**;

electric scooter has the same meaning as in the Road Safety Road Rules 2017;

electric scooter use area means a municipal district in which a commercially operated share scheme operates;

municipal district has the same meaning as in the **Local Government Act 2020**;

private electric scooter means an electric scooter other than an electric scooter that is provided by a commercial operator for hire on a short-term basis to members of the public;

the Act means the **Road Safety Act 1986**.

7. Declaration of certain electric scooters not to be motor vehicles

- (1) The Lieutenant-Governor, as the Governor's deputy, with the advice of the Executive Council, under section 3(2)(b) of the **Road Safety Act 1986**, declares the following not to be a motor vehicle for the purposes of the specified provisions the Act –
 - (a) an electric scooter that is provided under a commercially operated share scheme and ridden on a road or road related area within an electric scooter use area;
 - (b) a private electric scooter ridden on a road or road related area.
- (2) For the purposes of subclause (1), the specified provisions of the Act are all the provisions of the Act other than sections 3AA(1)(a) and (b), 3AD, 3AE, 48, 49, 53, 54, 55, 55A, 55B, 55BA, 55D, 55E, 56, 57, 57A, 57B, 58, 59(1)(b) and (5), 62 and 64A.

Dated: 4 April 2023

Responsible Minister:

HON. MELISSA HORNE MP

Minister for Roads and Road Safety

ANGELA SMITH
Clerk of the Executive Council

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